

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1477-01  
Bill No.: HB 516  
Subject: Crimes and Punishment; Real and Personal Property  
Type: Original  
Date: March 7, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Counties</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

**FISCAL ANALYSIS**

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ASSUMPTION

Officials from the **Office of the State Courts Administrator, Office of Prosecution Services, Department of Public Safety – State Highway Patrol**, and the **Office of the Attorney General** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of the State Public Defender** assume existing staff could provide representation for those stealing cases arising where indigent persons were charged with escalated felonies due to the amount of dollars involved. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** assume the proposed legislation would have a minimal fiscal impact on their agency since the proposal strengthens some penalties for stealing but also raises the dollar level for receiving stolen property penalties. DOC indicated that if, in the future, the proposed legislation resulted in a significant increase in costs, the department would request additional funding through the appropriation process.

**Oversight** assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC cannot be determined, but would likely be less than \$100,000.

**Oversight** also assumes that the proposal would increase the fees assessed by prosecuting or circuit attorneys on returned checks, and that counties would consequently collect additional revenues from such fees. The amount of increased collections cannot be reasonably determined.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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**GENERAL REVENUE FUND**

<u>Costs - Department of Corrections</u> Incarceration/Probation costs	<b><u>(Less than \$100,000)</u></b>	<b><u>(Less than \$100,000)</u></b>	<b><u>(Less than \$100,000)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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**COUNTIES**

<u>Income-increased fees for bad checks</u>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>
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FISCAL IMPACT - Small Business

The proposed legislation would have a fiscal impact on small business in the retail industry.

### DESCRIPTION

The proposed legislation makes several changes to provisions regarding the sale of goods and stolen property. The proposal:

- (1) Requires itinerant vendors and peddlers to show receipts to law enforcement officers for new and unused property being sold. "New and unused property" is defined as property that has not been used and is still in its original packaging;
- (2) Allows the possession, use, transfer, or reproduction of a sales receipt, tag, or universal price code to be admissible as evidence of intent to steal;
- (3) Makes stealing a class A misdemeanor if the property or services are worth less than \$150, a class D felony for property or services worth at least \$150 but less than \$425, and a class C felony if the value is \$425 or more. Currently, stealing is a class A misdemeanor for property valued less than \$750, and a class D felony for property worth \$750 or more;
- (4) Makes receiving stolen property a class A misdemeanor if the property is valued at less than \$150, a class D felony if the value is at least \$150 but not more than \$425, and a class C felony if the value is \$425 or more, or if the person receiving the property is a dealer in goods of the type in question. Currently, receiving stolen property is a class A misdemeanor for property worth less than \$150 and a class C felony for property worth \$150 or more;
- (5) Expands the definition of forgery to include the making or altering of receipts and universal product codes, and the knowing use or transfer of forged receipts and universal product codes; and
- (6) Requires prosecuting and circuit attorneys to collect the face amount of a dishonored check and a service fee from the issuer. Currently, these actions are discretionary. The proposal also adds to the remedies available for dishonored checks to allow individuals, their agents or assignees, or holders, to initiate action against the issuer of the check when the matter is not referred to the prosecuting or circuit attorney. The proposal defines that a "reasonable service charge" is not to exceed \$30, and the amount charged by the bank for the dishonored check may also be recovered. Currently, only an individual may collect the face value of the check and the service fee.

### DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not

require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Office of the Attorney General  
Department of Public Safety – State Highway Patrol  
Office of the State Public Defender  
Office of Prosecution Services  
Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "Jarrett".

Jeanne Jarrett, CPA  
Director

March 7, 2001